

**ASSEMBLY BILL**

**No. 620**

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**Introduced by Assembly Member Block**  
**(Coauthors: Assembly Members Blumenfield and Portantino)**  
(Coauthors: Senators Kehoe and Yee)

February 16, 2011

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An act to amend Sections 66010.2, 66251, 67380, 69433.5, 69762, 87400, and 89307.2 of, to amend the heading of Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5 of Title 3 of, to add Sections 66027 and 66302 to, and to add Article 3.5 (commencing with Section 66271.2) to Chapter 4.5 of Part 40 of Division 5 of Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 620, as introduced, Block. Public postsecondary education: nondiscrimination and training: sexual orientation and gender identity.

(1) Existing law, known as the Donahoe Higher Education Act, establishes the missions and functions of the 3 segments of public postsecondary education in the state, which are the University of California, the California State University, and the California Community Colleges. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California, by resolution, make them applicable.

Existing provisions of the Donahoe Higher Education Act require the Regents of the University of California, the Trustees of the California State University, and the governing boards of community college

districts to adopt or provide for the adoption of rules and regulations governing student behavior, known as rules of student conduct.

This bill would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and would request the Regents of the University of California, to adopt policies on harassment, intimidation, and bullying to be included within the rules of student conduct governing their respective segments of public postsecondary education.

(2) The Equity in Higher Education Act, which is a part of the Donahoe Higher Education Act, provides that it is the policy of the state to afford all persons, regardless of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified bases, equal rights and opportunities in the postsecondary institutions of the state. For these purposes, the act defines “gender” to include gender identity.

This bill would require each segment of public postsecondary education to develop and implement professional development and awareness training programs to, among other things, train faculty with respect to generating an inclusive curriculum, address harassment of individuals based on sexual orientation and gender identity, train campus public safety officers about hate crimes and harassment based on sexual orientation and gender identity, and train financial aid advisors with respect to financial assistance for lesbian, gay, bisexual, and transgender students. The bill would request each of the segments to designate an employee at each of their respective campuses to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students, and to share demographic information collected by the segments regarding sexual orientation and gender identity with the California Postsecondary Education Commission (CPEC).

The bill would require the CPEC to conduct an assessment of the campuses of each of the segments of public postsecondary education to develop recommendations to improve the quality of life on those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students, and to publish a summary of those recommendations on its Internet Web site. The bill would require the CPEC to convene focus groups to address student needs and to develop a best practices list for improving quality of life for, and addressing the concerns of, lesbian, gay, bisexual, and transgender faculty, staff, and students. The bill would authorize the CPEC to provide training to administrators of each of the segments based on the best practices list.

The bill would make various conforming changes to existing nondiscrimination laws affecting postsecondary educational institutions and programs, and requirements related to reporting hate violence, as defined, to additionally include sexual orientation and gender identity within the scope of those programs and requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66010.2 of the Education Code is  
2 amended to read:

3 66010.2. The public elementary and secondary schools, the  
4 California Community Colleges, the California State University,  
5 the University of California, and independent institutions of higher  
6 education share goals designed to provide educational opportunity  
7 and success to the broadest possible range of our citizens, and shall  
8 provide the following:

9 (a) Access to education, and the opportunity for educational  
10 success, for all qualified Californians. Particular efforts should be  
11 made with regard to those who are historically and currently  
12 underrepresented in both their graduation rates from secondary  
13 institutions and in their attendance at California higher educational  
14 institutions.

15 (b) Quality teaching and programs of excellence for their  
16 students. This commitment to academic excellence shall provide  
17 all students the opportunity to address issues, including ethical  
18 issues, that are central to their full development as responsible  
19 citizens.

20 (c) Educational equity not only through a diverse and  
21 representative student body and faculty but also through  
22 educational environments in which each person, regardless of race,  
23 gender, *gender identity*, *sexual orientation*, age, disability, or  
24 economic circumstances, has a reasonable chance to fully develop  
25 his or her potential.

26 SEC. 2. Section 66027 is added to the Education Code, to read:

27 66027. (a) (1) The governing boards of the California State  
28 University and the California Community Colleges shall, and the  
29 Regents of the University of California are requested, in collecting  
30 data relative to gender, race, ethnicity, or other demographics,

1 from faculty, staff, or students, to allow the faculty, staff, and  
2 students to identify their sexual orientation and gender identity on  
3 any forms used to collect that demographic data, as appropriate.

4 (2) A governing board shall not be required to update an existing  
5 form used to collect demographic data for purposes of this  
6 subdivision, but shall provide for the identification of sexual  
7 orientation and gender identity on any new or updated form used  
8 for the collection of demographic data.

9 (b) The governing boards of the University of California, the  
10 California State University, and the California Community Colleges  
11 are requested to share with the California Postsecondary Education  
12 Commission information collected pursuant to subdivision (a), to  
13 the extent that individuals from whom that information is collected  
14 authorize that information to be released. The information shared  
15 pursuant to this subdivision shall not include any individual  
16 identifying information.

17 SEC. 3. The heading of Chapter 4.5 (commencing with Section  
18 66250) of Part 40 of Division 5 of Title 3 of the Education Code  
19 is amended to read:

20  
21 CHAPTER 4.5. ~~SEX~~-EQUITY IN *HIGHER* EDUCATION ACT  
22

23 SEC. 4. Section 66251 of the Education Code is amended to  
24 read:

25 66251. It is the policy of the State of California to afford all  
26 persons, regardless of disability, gender, *gender identity*,  
27 nationality, race or ethnicity, religion, sexual orientation, or any  
28 other basis that is contained in the prohibition of hate crimes set  
29 forth in subdivision (a) of Section 422.6 of the Penal Code, equal  
30 rights and opportunities in the postsecondary institutions of the  
31 state. The purpose of this chapter is to prohibit acts that are contrary  
32 to that policy and to provide remedies therefor.

33 SEC. 5. Article 3.5 (commencing with Section 66271.2) is  
34 added to Chapter 4.5 of Part 40 of Division 5 of Title 3 of the  
35 Education Code, to read:

Article 3.5. Sexual Orientation and Gender Identity Equity in  
Education

66271.2. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, develop and implement professional development and awareness training programs that, at a minimum, meet all of the following requirements:

(a) The programs shall train faculty with respect to generating a curriculum that is inclusive of all students.

(b) The programs shall provide strategies for addressing harassment of lesbian, gay, bisexual, and transgender students in and out of the classroom.

(c) The programs shall provide campus public safety officers with training regarding hate crimes and harassment directed toward lesbian, gay, bisexual, and transgender persons.

(d) The programs shall train financial aid advisors with respect to the availability of scholarships specific to lesbian, gay, bisexual, and transgender persons and provide training on how to assist students with same-sex parents in completing financial aid applications.

(e) The programs shall incorporate other content relevant to lesbian, gay, bisexual, and transgender persons, as appropriate.

66271.3. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, designate at each of their respective campuses an employee to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus. At a minimum, the name and contact information of that designated employee shall be published on the Internet Web site for the respective campus and shall be included in any printed and Internet-based campus directories.

66271.4. (a) The California Postsecondary Education Commission shall conduct an assessment of the campuses of the California Community Colleges, California State University, and University of California with respect to the quality of life at those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students at the campuses of each of those institutions. The

1 commission shall make recommendations to each of those  
2 institutions based on that assessment.

3 (b) The California Postsecondary Education Commission shall  
4 convene focus groups to address the needs of lesbian, gay, bisexual,  
5 and transgender students and to develop a best practices list of  
6 recommendations for improving the quality of life at the campuses  
7 of the California Community Colleges, California State University,  
8 and University of California for, and addressing the concerns of,  
9 lesbian, gay, bisexual, and transgender faculty, staff, and students.  
10 The commission may provide training to administrators of each  
11 of the segments of public postsecondary education based on the  
12 recommendations in the best practices list.

13 (c) The California Postsecondary Education Commission shall  
14 publish a summary of the recommendations developed pursuant  
15 to this section on its Internet Web site.

16 SEC. 6. Section 66302 is added to the Education Code, to read:

17 66302. The Trustees of the California State University and the  
18 Board of Governors of the California Community Colleges shall,  
19 and the Regents of the University of California are requested to,  
20 adopt policies on harassment, intimidation, and bullying to be  
21 included within the rules and regulations governing student  
22 behavior within their respective segments of public postsecondary  
23 education.

24 SEC. 7. Section 67380 of the Education Code is amended to  
25 read:

26 67380. (a) The governing board of each community college  
27 district, the Trustees of the California State University, the Board  
28 of Directors of the Hastings College of the Law, the Regents of  
29 the University of California, and the governing board of any  
30 postsecondary institution receiving public funds for student  
31 financial assistance shall do all of the following:

32 (1) Require the appropriate officials at each campus within their  
33 respective jurisdictions to compile records of both of the following:

34 (A) All occurrences reported to campus police, campus security  
35 personnel, or campus safety authorities of, and arrests for, crimes  
36 that are committed on campus and that involve violence, hate  
37 violence, theft-or, destruction of property, illegal drugs, or alcohol  
38 intoxication.

1 (B) All occurrences of noncriminal acts of hate violence reported  
2 to, and for which a written report is prepared by, designated campus  
3 authorities.

4 (2) Require any written record of a noncriminal act of hate  
5 violence to include, but not be limited to, the following:

6 (A) A description of the act of hate violence.

7 (B) Victim characteristics.

8 (C) Offender characteristics, if known.

9 (3) (A) Make the information concerning the crimes compiled  
10 pursuant to subparagraph (A) of paragraph (1) available within  
11 two business days following the request of any student or employee  
12 of, or applicant for admission to, any campus within their respective  
13 jurisdictions, or to the media, unless the information is the type of  
14 information exempt from disclosure pursuant to subdivision (f) of  
15 Section 6254 of the Government Code, in which case the  
16 information is not required to be disclosed. Notwithstanding  
17 paragraph (2) of subdivision (f) of Section 6254 of the Government  
18 Code, the name of a victim of any crime defined by Section 261,  
19 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6,  
20 422.7, or 422.75 of the Penal Code shall not be disclosed without  
21 the permission of the victim, or the victim's parent or guardian if  
22 the victim is a minor.

23 ~~For~~

24 (B) *For* purposes of this paragraph and subparagraph (A) of  
25 paragraph (1), the campus police, campus security personnel, and  
26 campus safety authorities described in subparagraph (A) of  
27 paragraph (1) shall be included within the meaning of "state or  
28 local police agency" and "state and local law enforcement agency,"  
29 as those terms are used in subdivision (f) of Section 6254 of the  
30 Government Code.

31 (4) Require the appropriate officials at each campus within their  
32 respective jurisdictions to prepare, prominently post, and copy for  
33 distribution on request, a campus safety plan that sets forth all of  
34 the following: the availability and location of security personnel,  
35 methods for summoning assistance of security personnel, any  
36 special safeguards that have been established for particular facilities  
37 or activities, any actions taken in the preceding 18 months to  
38 increase safety, and any changes in safety precautions expected to  
39 be made during the next 24 months. For the purposes of this  
40 section, posting and distribution may be accomplished by including

1 relevant safety information in a student handbook or brochure that  
2 is made generally available to students.

3 (5) Require the appropriate officials at each campus within their  
4 respective jurisdictions to report information compiled pursuant  
5 to paragraph (1) relating to hate violence to the governing board,  
6 trustees, board of directors, or regents, as the case may be. The  
7 governing board, trustees, board of directors, or regents, as the  
8 case may be, shall, upon collection of that information from all of  
9 the campuses within their jurisdiction, transmit a report containing  
10 a compilation of that information to the California Postsecondary  
11 Education Commission no later than January 1 of each year,  
12 commencing January 1, 1993. The commission shall make these  
13 reports available to the Legislature and the general public on its  
14 Internet Web site. It is the intent of the Legislature that the  
15 governing board of each community college district, the Trustees  
16 of the California State University, the Board of Directors of the  
17 Hastings College of the Law, the Regents of the University of  
18 California, and the governing board of any postsecondary  
19 institution receiving public funds for student financial assistance  
20 establish guidelines for identifying and reporting occurrences of  
21 hate violence. It is the intent of the Legislature that the guidelines  
22 established by these institutions of higher education be as consistent  
23 with each other as possible. These guidelines shall be developed  
24 in consultation with the Department of Fair Employment and  
25 Housing and the California Association of Human Rights  
26 Organizations.

27 (b) Any person who is refused information required to be made  
28 available pursuant to subparagraph (A) of paragraph (1) of  
29 subdivision (a) may maintain a civil action for damages against  
30 any institution that refuses to provide the information, and the  
31 court shall award that person an amount not to exceed one thousand  
32 dollars (\$1,000) if the court finds that the institution refused to  
33 provide the information.

34 (c) For purposes of this section, “hate violence” means any act  
35 of physical intimidation or physical harassment, physical force or  
36 physical violence, or the threat of physical force or physical  
37 violence, that is directed against any person or group of persons,  
38 or the property of any person or group of persons because of the  
39 ethnicity, race, national origin, religion, sex, sexual orientation,



1 *gender identity*, disability, or political or religious beliefs of that  
2 person or group.

3 (d) This section does not apply to the governing board of ~~any~~  
4 a private postsecondary institution receiving funds for student  
5 financial assistance with a full-time enrollment of less than 1,000  
6 students.

7 (e) This section shall apply to a campus of one of the public  
8 postsecondary educational systems identified in subdivision (a)  
9 only if that campus has a full-time equivalent enrollment of more  
10 than 1,000 students.

11 (f) Notwithstanding any other provision of this section, this  
12 section shall not apply to the California Community Colleges  
13 unless and until the Legislature makes funds available to the  
14 California Community Colleges for the purposes of this section.

15 SEC. 8. Section 69433.5 of the Education Code is amended to  
16 read:

17 69433.5. (a) Only a resident of California, as determined by  
18 the commission pursuant to Part 41 (commencing with Section  
19 68000), is eligible for an initial Cal Grant award. The recipient  
20 shall remain eligible for award renewal only if he or she is a  
21 California resident, in attendance, and making satisfactory  
22 academic progress at a qualifying institution, as determined by the  
23 commission.

24 (b) A part-time student shall not be discriminated against in the  
25 selection of Cal Grant Program award recipients, and an award to  
26 a part-time student shall be approximately proportional to the time  
27 the student spends in the instructional program, as determined by  
28 the commission. A first-time Cal Grant Program award recipient  
29 who is a part-time student shall be eligible for a full-time renewal  
30 award if he or she becomes a full-time student.

31 (c) Cal Grant Program awards shall be awarded without regard  
32 to race, religion, creed, sex, *sexual orientation*, *gender identity*, or  
33 age.

34 (d) ~~No~~ An applicant shall *not* receive more than one type of Cal  
35 Grant Program award concurrently. Except as provided in Section  
36 69440, ~~no~~ an applicant shall *not*:

37 (1) Receive one or a combination of Cal Grant Program awards  
38 in excess of the amount equivalent to the award level for a total  
39 of four years of full-time attendance in an undergraduate program,  
40 except as provided in Section 69433.6.

(2) Have obtained a baccalaureate degree prior to receiving a Cal Grant Program award, except as provided in Section 69440.

(e) A Cal Grant Program award, except as provided in Section 69440, may only be used for educational expenses of a program of study leading directly to an undergraduate degree or certificate, or for expenses of undergraduate coursework in a program of study leading directly to a first professional degree, but for which no baccalaureate degree is awarded.

(f) ~~Commencing in 1999, the~~ The commission shall, for students who accelerate college attendance, increase the amount of award proportional to the period of additional attendance resulting from attendance in classes that fulfill requirements or electives for graduation during summer terms, sessions, or quarters. In the aggregate, the total amount a student may receive in a four-year period may not be increased as a result of accelerating his or her progress to a degree by attending summer terms, sessions, or quarters.

(g) The commission shall notify Cal Grant award recipients of the availability of funding for the summer term, session, or quarter through prominent notice in financial aid award letters, materials, guides, electronic information, and other means that may include, but not necessarily be limited to, surveys, newspaper articles, or attachments to communications from the commission and any other published documents.

(h) The commission may require, by the adoption of rules and regulations, the production of reports, accounting, documents, or other necessary statements from the award recipient and the college or university of attendance pertaining to the use or application of the award.

(i) A Cal Grant Program award may be utilized only at a qualifying institution.

SEC. 9. Section 69762 of the Education Code is amended to read:

69762. Loans made pursuant to this chapter shall be made without regard to race, religion, creed-~~or~~, sex, *sexual orientation*, or *gender identity*.

SEC. 10. Section 87400 of the Education Code is amended to read:

87400. Governing boards of community college districts shall employ for academic positions, only persons who possess the

1 qualifications therefor prescribed by regulation of the board of  
2 governors. It ~~shall be~~ *is* contrary to the public policy of this state  
3 for any person or persons charged, by those governing boards,  
4 with the responsibility of recommending persons for employment  
5 by those boards to refuse or to fail to do so for reasons of race,  
6 color, religious creed, sex, *sexual orientation*, *gender identity*, or  
7 national origin of those applicants for that employment.

8 SEC. 11. Section 89307.2 of the Education Code is amended  
9 to read:

10 89307.2. (a) ~~No~~ A legislative body of a local agency shall *not*  
11 conduct ~~any~~ a meeting in ~~any~~ a facility that prohibits the  
12 admittance of any person, or persons, on the basis of race, religious  
13 creed, color, national origin, ancestry, ~~or~~ sex, *sexual orientation*,  
14 *or gender identity*, or which is inaccessible to disabled persons,  
15 or where members of the public may not be present without making  
16 a payment or purchase. This section shall apply to every legislative  
17 body as defined in Section 89305.1.

18 (b) ~~No~~ A notice, agenda, announcement, or report required under  
19 this article need *not* identify any victim or alleged victim of tortious  
20 sexual conduct or child abuse unless the identity of the person has  
21 been publicly disclosed.